

~~PROPOSED~~ ORDER/COVER SHEETTO: Honorable Wayne D. Brazil  
U.S. Magistrate Judge**FILED**

RE: Charles Phillips

MAR 10 2008

FROM: Claudette M. Silvera, Chief  
U.S. Pretrial Services OfficerRICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLANDDOCKET NO.: 07-cr-00643 <sup>DWS</sup>~~WEB~~

THE ATTACHED MEMORANDUM WAS PREPARED BY PRETRIAL SERVICES OFFICER:

Hence Williams III  
U. S. Pretrial Services Office510-637-3750  
TELEPHONE NUMBER

RE: MODIFICATION OF CONDITIONS (OR INFORMATION/VIOLATION)

We are requesting direction from the Court. Please initial the appropriate box(es), and return this form to us so that we may comply with your instructions.

- ☐ I have reviewed the information that you have supplied. I do not believe that this matter requires any action by this Court at this time.
- ☒ Inform all parties concerned that I will conduct a Bail Review Hearing in Courtroom No. 4 on FRIDAY, MAR. 14, 2008 at 10:30 a.m. (spec. set)
- ☐ Inform all parties concerned that a Bail Review Hearing will be conducted by:  
Magistrate Judge \_\_\_\_\_ Presiding District Court Judge \_\_\_\_\_
- ☐ I agree with the recommendation of the Pretrial Services Officer and hereby modify the defendant's Pretrial Release conditions as indicated below:
- ☐ Modification(s)  
A.  
B.
- ☐ Bail Revoked/Bench Warrant Issued.
- ☐ I am returning the signed order and direct that a copy be provided to the Court file and all interested parties(AUSA and Defense Counsel).
- ☐ Other Instructions:

Wayne D. Brazil  
JUDICIAL OFFICER3/10/08  
DATE

Cover Sheet (12/03/02)

cc: WPB's Staff, Copy to parties via ELF,  
Frances, Pretrial, Financial

**To:** Honorable Wayne D. Brazil  
U.S. Magistrate Judge  
**From:** Hence Williams III  
U.S. Pretrial Services Officer  
**Subject:** Charles Phillips  
07-cr-00643 ~~WDB~~ DW  
**Date:** March 4, 2008



## MEMORANDUM

Your Honor,

On February 25, 2008, this officer received a telephone call from the defendant advising that he was in the hospital and had been shot. Mr. Phillips reported that another passenger in his vehicle was shot in the head and remains in critical condition. The defendant could not provide this officer with any information as to who fired the shots into his vehicle but stated, "I think I was just in the wrong place at he wrong time."

On February 26, 2008, this officer spoke with Special Agent Gregory M. Eckhart of the Federal Bureau of Investigation. According to Agent Eckhart ~~stated~~ the defendant was driving on Interstate 80 at approximately 2am on February 24, 2008, when another vehicle pulled up along side of the defendant's vehicle and fired 10 rounds into the defendant's vehicle. Two of the rounds struck the defendant in the back and one round struck a passenger in the head. Agent Eckhart added that a third passenger was arrested at the hospital shortly after the shooting after he was found to be in possession of four grams of ICE (crystal methamphetamine).

Pretrial Services has made several unsuccessful attempts to obtain a copy of the police report. The United States Attorney's Office and the Federal Bureau of Investigation are awaiting copies of the police report as well.

Based on the above incident, this officer believes the defendant's activities and or those he chooses to associate with are a danger to the community. This officer has spoken with the Mr. Phillips and defense counsel, William Welch, regarding this incident and the concerns Pretrial Services has. Mr. Welch and the defendant have come to an agreement that placing Mr. Phillips on electronic monitoring might mitigate some our concerns.

Assistant United States Attorney Garth Hire is undecided about his position regarding any modifications of bond pending the receipt of the police report.

This memorandum is submitted for Your Honor's review and direction.

Respectfully Submitted

A handwritten signature in dark ink, appearing to read "Hence Williams III", is written over a horizontal line.

Hence Williams III  
U.S. Pretrial Services Office

PRETRIAL SERVICES MEMO FOR THE  
HONORABLE WAYNE D. BRAZIL, U.S. MAGISTRATE JUDGE  
RE: PHILIPS, CHARLES

*DLJ*  
CASE #:07-cr-00643 ~~WDB~~

PAGE 2

Reviewed By:

A handwritten signature in black ink, appearing to read "Allen Lew", with a stylized flourish at the end.

Allen Lew

Supervising U.S. Pretrial Services Officer